



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: June 22, 2010

Department: Zoning, Building, Planning **Staff Contact:** Catherine VerEecke, Program Planner

TITLE: CONSENT: Special Use Permit for Specific Use for Multiple Single Family Dwellings (CSU-20100012)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the May 5, 2010 public hearing, the County Planning Commission voted (4-2, Commissioners Barbour and McMahan opposed; Commissioner Melendrez excused) to recommend approval of the request for a Special Use Permit for a Specific Use for Multiple Single Family Dwellings on Tract 39B, MRGCD Map #23, located at 10139 Guadalupe Trail NW, zoned A-1, and containing approximately .65 acres. The decision was based on the following eight (8) Findings and subject to the following twelve (12) Conditions.

Findings:

1. This request is for approval of a Special Use Permit for a Specific Use for Multiple Single Family Dwellings on Tract 39B, MRGCD Map #23, located at 10139 Guadalupe Trail NW, zoned A-1, and containing approximately .65 acres.
2. This property has a Conditional Use Permit for Mobile Home for Medical Hardship (ZA-70044) which will expire on June 19, 2010. The applicant wishes to keep the mobile home on the property as a second dwelling unit.
3. This request is consistent with Resolution 116-86 in that there are changed neighborhood conditions justifying the land use change including the recent development of high density residential developments nearby the site.
4. The request is consistent with North Valley Area Plan Policy 2 (Land Use) which states that "The City and County shall stabilize residential zoning and land use in the North Valley Area."
5. The request has substantial neighborhood support.
6. Unique conditions exist for the subject property in that a structure initially approved as a mobile home for a medical hardship nearly 30 years ago will be allowed to remain on the site.

7. The request is consistent with the health, safety and general welfare of the residents of the County.
8. There is neighborhood opposition for this request.

Conditions:

1. Lighting shall be site specific. Lighting fixtures shall be provided so that no fugitive light crosses onto adjacent lots.
2. The applicant shall provide evidence that the mobile home on the site meets the standards of H.U.D Zone Code II manufactured home and is placed on the subject property on a permanent foundation.
3. There shall be no open storage of debris or materials on the subject property.
4. A 6 foot high solid wall or fence shall be constructed along the sides of the property that abuts residential use within three months of the final Board of County Commissioner's approval.
5. A minimum six (6) foot landscape buffer shall be located on the sides of the property abutting residential uses in accordance with the standards outlined in the Zoning Ordinance to be established within six months of the final Board of County Commissioners' approval.
6. There shall be a 10 foot landscaped setback along the front property line in accordance with the standards outlined in the Zoning Ordinance to be established within six months of the final Board of County Commissioners' approval. The required landscape setback shall be located behind the additional right-of-way that is being required by the Public Division as a condition of this Special Use Permit.
7. The applicant shall submit for approval to the Public Works Division a grading and drainage plan within two months of the final Board of County Commissioner's approval. A copy of the approval shall be submitted to the Zoning, Building, Planning, and Environmental Health Department.
8. The applicant shall reserve five feet of right-of-way along the front property line for the future widening of Guadalupe Trail to be shown on a recorded survey (metes and bounds) to be provided within 90 days to the Public Works Division. A copy of the recorded survey shall be provided to the Zoning, Building, Planning, and Environmental Health Department.
9. Three copies of the revised site development plan consistent with the Conditions of Approval shall be submitted for review to the Zoning Administrator within two months of the final Board of County Commissioners' approval.
10. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.

11. The Special Use Permit shall be issued for 10 years.
12. The foregoing conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

ATTACHMENTS:

1. County Planning Commission Notice of Decision Letter (May 10, 2010)
2. County Planning Commission Information Packet
3. Approved Site Plan (Commissioners only)

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff recommends Approval.

VERSION 5.0